

JAP:TJS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1431

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

VICTOR MANUEL BURGOS MORILLO
also known as
"Cruz Santos,"
"Cruz Santos-Murillo" and
"Cruz Dejesus Santos,"

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

HENRY LAM, being duly sworn, deposes and states that he is an Enforcement Officer with United States Customs and Border Protection, duly appointed according to law and acting as such.

On or about December 2, 2010, within the Eastern District of New York and elsewhere, the defendant VICTOR MANUEL BURGOS MORILLO, also known as "Cruz Santos," "Cruz Santos-Murillo" and "Cruz Dejesus Santos," being an alien who had previously been arrested and convicted of an aggravated felony, to wit: Conspiracy to Possess with Intent to Distribute Cocaine, contrary to Title 21, United States Code, Section 846, and was thereafter deported from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to

the Attorney General, had expressly consented, attempted to enter the United States.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am an Enforcement Officer with United States Customs and Border Protection ("CBP") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On December 2, 2010, the defendant, VICTOR MANUEL BURGOS MORILLO, also known as "Cruz Santos," "Cruz Santos-Murillo" and "Cruz Dejesus Santos," arrived at John F. Kennedy International Airport, in Queens, New York aboard Jet Blue Flight number 838 from Santiago, Dominican Republic. The defendant presented to CBP a valid Dominican Republic passport, #SF0310885, which contained a valid US B1/B2 visa, foil #93482478.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. During a routine Customs screening, VICTOR MANUEL BURGOS MORILLO provided fingerprints. A check of CBP's computer database using those fingerprints determined that VICTOR MANUEL BURGOS MORILLO had been removed from the United States on October 21, 1999 after having been convicted of an aggravated felony. He was using the name "Cruz Santos" at the time of this removal.

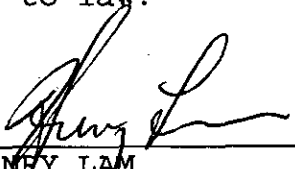
4. Following this screening, the defendant was sent to Passport secondary screening. After additional database searches, which provided information consistent with the original fingerprint results, the defendant was detained and provided with his Miranda rights. He indicated he understood and waived his rights. The defendant then indicated, in sum and substance, that he had plead guilty to a drug crime and spent three years in prison under the name "Cruz Santos." The defendant further stated that following that conviction he was deported by United States Immigration officials.

5. A criminal history check indicates that on or about September 16, 1997, VICTOR MANUEL BURGOS MORILLO was convicted of Conspiracy to Distribute and Possess with Intent to Distribute 500 grams and more of Cocaine, in violation of Title 21, United States Code, Section 846, in the United States District Court for the Southern District of New York. The defendant used the name "Cruz Santos" in connection with this conviction.

5. The defendant's Alien File under the name "Cruz Santos," A 75-459-599, indicated that the defendant was removed from the United States to the Dominican Republic on October 21, 1999.

6. A preliminary search of the CBP files has revealed that there exists no request by the defendant VICTOR MANUEL BURGOS MORILLO , also known as "Cruz Santos," "Cruz Santos-Murillo" and "Cruz Dejesus Santos," for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant the defendant VICTOR MANUEL BURGOS MORILLO, also known as "Cruz Santos," "Cruz Santos-Murillo" and "Cruz Dejesus Santos," be dealt with according to law.


HENRY LAM
Enforcement Officer
United States Customs and Border
Protection

Sworn to before me this
2nd day of December, 2010


UNITED
EASTERN

DGE
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S/Levy